



JFW

PATENT  
Attorney Docket No. 24948X2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

POPP

Serial No.: 10/787,231

Filing Date: February 27, 2004

**For:** **TOPICAL ANTIBACTERIAL FORMULATIONS**

**TRANSMITTAL LETTER**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Submitted herewith for filing in the U.S. Patent and  
Trademark Office is the following:

- 1) Transmittal Letter;
- 2) Information Disclosure Statement; and
- 3) PTO-Form 1449.

The Commissioner is specifically authorized to charge any required fee deficiency under 37 CFR §§ 1.16 or 1.17, or credit any overpayment, to Deposit Account No. 14-0112 in connection with this matter.

Respectfully submitted,

**NATH & ASSOCIATES PLLC**

Date: May 25, 2004  
**NATH & ASSOCIATES PLLC**  
1030 Fifteenth Street, N.W.  
Sixth Floor  
Washington, D.C. 20005  
Tel: (202) 775-8383  
Fax: (202) 775-8396  
GMN:JBG:\ids-tl.doc



PATENT  
Attorney Docket No. 24948X2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

POPP

Serial No.: 10/787,231

Filing Date: February 27, 2004

For: TOPICAL ANTIBACTERIAL FORMULATIONS

INFORMATION DISCLOSURE STATEMENT

Commissioner of Patents  
Washington, D.C. 20231

Sir:

An Information Disclosure Statement is submitted herewith pursuant to 37 C.F.R. § 1.97-1.98. Please note the following particulars:

[NOTE: One only of items a, b, c, and d must be checked.]

[ X ] a. The enclosed statement is being filed within three months of the filing date of a national application, or within three months of the date of entry into the national stage as set forth in 37 C.F.R. § 1.491 in an international application, or before the mailing date of a first Office Action on the merits, whichever event occurs last.

[ ] b. The enclosed statement is being filed after a first action on the merits but before the mailing date of a final action under 37 C.F.R. § 1.113, or a notice of allowance under 37 C.F.R. § 1.311.

The enclosed statement is accompanied by [check one]:  
[ ] i. a certification in part (e) below as specified in 37 C.F.R. § 1.97(e), or  
[ ] ii. a check in the amount required by 37 C.F.R. § 1.17(p).

[ ] c. The enclosed statement is being filed after the mailing date of a final action under 37 C.F.R. § 1.113, or a notice of allowance under 37 C.F.R. § 1.311, but before payment of the issue fee.  
[ ] Certification report(e) below; and  
[ ] a check in the amount as required by § 1.17(p).

[ ] d. The enclosed statement is being filed pursuant to 37 C.F.R. § 1.97(i), for placement in the file.

[ ] e. Certification [Check one] [Certification is required only if box (b)(i) or box (c) is checked.]

[ ] I hereby certify that each item of information contained in the enclosed Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement,  
or

[ ] I hereby certify that no item of information in the enclosed Information Disclosure Statement herewith was cited in a communication from a foreign patent office in a counterpart foreign application, or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

or

[ ] Appropriate certification is attached.

[ X ] f. If no check is enclosed and a fee is due in connection with this communication or if the check enclosed is insufficient, the Commissioner is authorized to charge any fee or additional fee due in connection with this communication to Deposit Account No. 14-0112.

[ ] g. Copies of the non-U.S. patent documents are attached herewith with a completed Form PTO-1449.

or

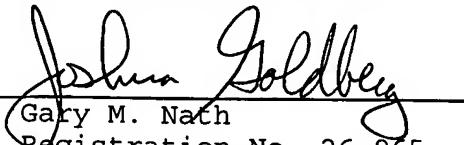
[ X ] Copies of the documents are not attached as allowed under CFR § 1.98(d)(1)(2). The earlier application is identified as:  
U.S. Patent Application Serial No. 10/617,191 filed on July 11, 2003

The Examiner is respectfully requested to cite the documents listed on the attached Form PTO-1449 in the next Office Action. In so doing, the Examiner is respectfully requested to initial in the space adjacent to the listing of each document on the Form PTO-1449, and return a copy of the initialed Form PTO-1449 with the next communication to Applicants, to confirm that these documents have been considered by the Examiner and made of record in this application.

If the Examiner has any questions or wishes to discuss this application, kindly telephone the undersigned at the below-listed number.

Respectfully submitted,  
NATH & ASSOCIATES PLLC

By:

  
Gary M. Nath  
Registration No. 26,965  
Joshua B. Goldberg  
Registration No. 44,126  
Customer No. 20529

Date: May 25, 2004  
1030 15<sup>th</sup> Street, N.W., 6<sup>th</sup> Floor  
Washington, D.C. 20005-1503  
Tel. (202) 775-8383  
Fax. (202) 775-8396  
GMN:JBG (IDS.doc)



## FORM PTO-1449

## INFORMATION DISCLOSURE CITATION

Atty. Docket  
24948X2Serial No.  
10/787,231

Applicant

POPP

Filing Date  
February 27, 2004Group Art Unit  
1615

## U.S. PATENT DOCUMENTS

Examiner Initial		Document Number	Issue Date	Name	Class	Sub-Class	Filing Date
	AA	3,952,099	04/20/76	Smith			01/17/75
	AB	3,969,516	07/13/76	Stoughton			07/07/75
	AC	4,387,107	06/07/83	Klein et al.			12/16/80
	AD	4,443,442	04/17/84	Skillern			12/21/79
	AE	4,497,794	02/05/85	Klein et al.			01/03/83
	AF	4,505,896	03/19/85	Bernstein			11/24/80
	AG	4,671,956	06/09/87	Bouillon et al.			10/14/86
	AH	4,692,329	09/08/87	Klein et al.			07/03/84
	AI	4,731,362	03/15/88	Hamashima et al.			07/23/86
	AJ	4,803,228	02/07/89	Jacquet et al.			09/29/87
	AK	4,906,617	03/06/90	Jacquet et al.			09/29/87
	AL	5,767,098	06/16/98	Klein et al.			03/31/97
	AM	5,446,028	08/29/95	Klein et al.			04/08/94
	AN	5,466,446	11/14/95	Stiefel et al.			02/16/94
	AO	5,648,389	07/15/97	Gans et al.			10/27/95
	AP	5,707,635	01/13/98	Deckner et al.			05/25/94
	AQ	5,733,886	03/31/98	Baroody et al.			04/28/94
	AR	5,756,119	05/26/98	Deckner et al.			06/05/95
	AS	5,767,098	06/16/98	Klein et al.			03/31/97
	AT	5,948,416	09/07/99	Wagner et al.			05/08/96
	AU	6,013,637	01/11/00	Klein et al.			06/12/98
	AV	6,117,843	09/12/00	Baroody et al.			05/13/97
	AW	6,221,847	04/24/01	Barefoot et al.			05/27/99
	AX	6,331,551	12/18/01	Subbiah			11/13/00
	AY	6,462,025	10/08/02	Vishnupad			12/12/00
	AZ	6,599,512	07/29/03	Burnier			10/03/97

## FOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Class	Sub-Class	Trans-lation
	AAA	WO 93/15726	08/19/93	PCT			Yes
	AAB	WO 93/20796	10/28/93	PCT			Yes

Examiner

Date Considered

		Atty. Docket 24948X2	Serial No. 10/787,231
FORM PTO-1449		Applicant POPP	
<u>INFORMATION DISCLOSURE CITATION</u>		Filing Date February 27, 2004	Group Art Unit 1615

## OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	BA	Langer et al., "Treatment of Acne Vulgaris", <u>AFP Clinical Pharmacology</u> , 1979, 20(2), 117-118.
	BB	Gloor et al., "Topical treatment of acne vulgaris with erythromycin and benzoylperoxide" (Abstract), <u>Z. Hautkr.</u> , 1992, 57(12), 867-878.
	BC	Tucker et al., "Comparison of topical clindamycin phosphate, benzoyl peroxide, and a combination of the two for the treatment of acne vulgaris" (Abstract), <u>Br. J. Dermatol.</u> , 1984, 110(4), 487-492.
	BD	Gerny, "Experiences in dermatologic practice with combined external treatment of acne with benzoyl peroxide and erythromycin" (Abstract), <u>Z. Hautkr.</u> , 1984, 59(13), 888-893.
	BE	Marsden, "Evidence that method of use, dose and duration of treatment with benzoyl peroxide and tetracycline determined response of acne" (Abstract), <u>J. R. Soc. Med.</u> , 1985, 78 Suppl. 10, 25-28.
	BF	Norris et al., "A comparison of the effectiveness of topical tetracycline, benzoyl-peroxide gel and oral tetracycline in the treatment of acne" (Abstract), <u>Clin. Exp. Dermatol.</u> , 1991, 16(1), 31-33.
	BG	Lookingbill et al., "Treatment of acne with a combination clindamycin/benzoyl peroxide gel compared with clindamycin gel, benzoyl peroxide gel and vehicle gel: Combined results of two double-blind investigations", <u>J. Am. Acad. Dermatol.</u> , 1997, 37(4), 590-595.
	BH	Leyden et al., "The Combination Formulation of Clindamycin 1% plus Benzoyl Peroxide 5% versus 3 Different Formulations of Topical Clindamycin Alone in the Reduction of <i>Propionibacterium acnes</i> ", <u>Am. J. Clin. Dermatol.</u> , 2001, 2(4), 263-266.
	BI	Leyden, "Current issues in antimicrobial therapy for the treatment of acne", <u>J. Eur. Acad. Dermatol. Venereol.</u> , 2001, 15 (Suppl. 3), 51-55.
	BJ	Levy, "Dermatopharmacology of a New Combination Gel Formulation for the Topical Treatment of Acne", <u>CUTIS</u> , 2001, 67, 8-12.
	BK	BenzaClin™ Topical Gel Prescribing Information, Feb. 2002.

Examiner	Date Considered
----------	-----------------